THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2712 OF 2006

Dated: 03-03-2006

Between

D. Nageswara Reddy,

S/o. Veera Reddy,

Occ: Agriculture,

R/o. 70-120, Kallur,

Kurnool.

...PETITIONER

AND

Mandal Revenue Officer,

Kalluru, Kalluru Mandal,

Kurnool District and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in declining to issue copies of the proceedings relating to issue of passbook and title deed in favour of third respondent and the copies of Adangals fin Sy.No.118/B from the year 1985-86 to 2004-05 in spite of specific application as illegal and arbitrary.

Learned counsel for the petitioner submits that the land in an extent of Ac.1.25 cents in Sy.No.118/B, Kallur Village, Kurnool District originally belonged to one Indrakanti Krishnam

Botla and as he abandoned the said land, which was adjacent to the land of the petitioner's grandfather, he cultivated and enjoyed the same from 1950. Petitioner's maternal grandfather – V. Nagi Reddy died in 1994 leaving behind three sons viz., V. Malla Reddy, Chandra Sekhara Reddy and Rami Reddy and executed a Will bequeathing the said land in favour of the petitioner. Learned counsel further submits that pursuant to the said will to mutate his name the petitioner filed an application for issuance of title deed and pattadar passbook in respect of Ac.1.25 cents. The Mandal Revenue Officer – first respondent granted patta passbook and titled deed to an extent of Ac.0.62 ½ cents only and granted patta passbook and title deed in respect of the remaining extent of Ac.0.62 ½ cents in favour of the respondents
3 and 4.

Learned counsel for the petitioner further submits that the petitioner got issued a legal notice dated 19.12.2005 requesting the first respondent to issue copy of the order granting passbook and title deed to an extent of Ac.0.62 ½ cents and rejecting the same for remaining extent of Ac.0.62 ½ cents and also the copies of report of surveyor dated 16.11.2005.

I am not inclined to express any opinion with regard to the claim and title of the petitioner in respect of the said land entitling him to have patta passbook and title deed, however, the petitioner has got a right of appeal against the said rejection order.

Accordingly, the first respondent is directed to furnish the copy of the rejection order, if any, refusing to grant patta passbook and title deed in respect of remaining extent of Ac.0.62 ½ cents in Sy.No.118/B within eight weeks from the date of receipt of a copy of this order, as per the application of the petitioner so as to enable him to file an appeal before the appellate authority.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 3, 2006

DSK